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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,966	04/21/2000	Kenneth A. Ward	5181-36000	6567

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EXAMINER

PHILPOTT, JUSTIN M

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/553,966

Applicant(s)

WARD, KENNETH A.

Examiner

Justin M Philpott

Art Unit

2665

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1-11.

Claim(s) objected to: _____.

Claim(s) rejected: 12-38.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

ALPUS H. HSU
PRIMARY EXAMINER

Continuation of 2. NOTE:

Independent claim 18 includes new limitations that raise new issues that would require further consideration and/or search.

Continuation of 5. does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive.

Specifically, applicant argues (pages 14-15 and 17-18) that Christensen's teaching of selecting from active states of PND register 46, wherein each set bit in PND register indicates a queue Q0-Q7 in a next level for adding or removing bits, does not suggest applicant's claim 12 which recites that the next level group of bits are "examined" and a bit is "selected". However, it remains the Examiner's position that the operation of adding or removing bits in the context of the invention of Christensen implicitly comprises the operations of "examining" and "selecting" recited in applicant's claim 12. Thus, Christensen teaches the limitations recited in applicant's claim 12.

Further, applicant argues (pages 15-17) that one or more intermediate levels recited in claim 12, are not duplicate parts of Christensen providing a multiplied effect of either top level or lowest level of the hierarchical channel map. However, as discussed in the previous office actions, and repeated herein, Examiner rejected applicant's claims on the basis that the top level and lowest level stages of Christensen provide for an organized system, and accordingly, at the time of the invention it would have been obvious to one of ordinary skill in the art to include additional organizational stages within the hierarchy of Christensen in order to provide additional organization for a multiplied effect. That is, Examiner contends that at the time of the invention it would have been obvious to one of ordinary skill in the art to utilize the organization of the stages of Christensen to provide an additional organizational stage yielding additional organization for a multiplied effect, and not to provide additional queues Q0-Q7 in the same lowest level or a copy of one of the same levels as applicant has contested. Further Christensen contemplates such additional elements by disclosing "the concepts taught herein can easily be extended to a multiprocessor with more than two CPs and more than one SC, wherein the CI controller in each SC resolves contentions among all CPs for each queue" (col. 16, lines 24-27). Clearly, an embodiment taught by Christensen, having a plurality of SCs (i.e., each comprising a register 46), would implement the organizational teachings of Christensen. Such an embodiment contemplated by Christensen would implicitly utilize an additional organizational stage of the discussed teachings of Christensen wherein an additional register would comprise bit positions corresponding to one of the newly added plurality of SCs, as provided by Christensen via the existing organization of the register 46 with respect to the queues Q0-Q7. Thus, applicant's argument that Christensen does not teach organized stages, or organized stages which are duplicated for a multiplied effect, is not persuasive.

Additionally, applicant argues (page 18) that Christensen fails to teach utilizing service masks in the various levels as recited in claim 29. However, as discussed in the previous office actions, and repeated herein, Christensen teaches a plurality of service class masks (e.g., I/O mask 51 comprising mask bits, see col. 6, lines 56-67), wherein each service class mask is configured to map a number of the communication channels to one of a plurality of service classes for determining next servicing (e.g., mask bits configure communication channels to one of a plurality of queues wherein each queue has a designated priority, see col. 6, lines 51-59). Further, Christensen teaches a service mask for each level of the hierarchical channel map (e.g., via I/O mask 51 comprising mask bits, see col. 6, lines 56-67), wherein each service mask is configured to indicate the next bit position in the current group to be examined for a set bit (e.g., within the designated queue having the highest non-empty priority). Regarding applicant's additional argument that a specific first, second, and third service mask are not disclosed by Christensen, the embodiment of Christensen comprising first, second, and third hierarchical levels as discussed above implicitly comprises respective masking as clearly provided by Christensen (e.g., col. 6, lines 56-67). Thus, applicant's argument is not persuasive.

Finally, applicant argues (pages 18-20) that claims 30 and 31 comprise limitations discussed above regarding claim 12 which are not taught by the cited art. However, as discussed above, these arguments are not persuasive.